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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,566	01/02/2004	Yaw-Huey Lai	LAIY3016/EM	8779
23364	7590	09/24/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			GUSHI, ROSS N	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,566

Applicant(s)

LAI, YAW-HUEY

Examiner

Ross N. Gushi

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 3.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/2/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoernschild et al. ("Knoernschild") in view of Chang. Per claim 1, Knoernschild discloses a card connector comprising: a base 48 having a receiving space defined at a midsection thereof, an insertion slot formed at a front end thereof for inserting a memory card 30, and two guide sections formed at bilateral sides of said receiving space; a plurality of terminals 12 disposed on said base and extending into said receiving space; at least one resilient contact member (16, 26) mounted at a side of said base; and a lateral biasing member (see attachment) mounted at the other side of said base to face said resilient contact member and having a part extending into said receiving space.

Knoernschild does not show a cover. Chang a cover member 5 mounted on said base 2. At the time of the invention, it would have been obvious to include a cover mounted to the Knoernschild base. The suggestion or motivation for doing so would have been to protect the card from damage and unwanted movement, such motivation being well known in the art.

Per claim 4, said lateral biasing member is integrally formed with said base by that said base has a side opposite to said resilient contact members and bended

inwards, and a gap is formed between said lateral biasing member and said base and is positioned beside said guide section at said side of said base, said guide section being positioned on said lateral biasing member.

Per claim 5, said lateral biasing member further comprises a projection extending from said guide section towards said receiving space for a length (see attachment).

Regarding claim 6, Knoernschild does not disclose the biasing member on the underside of the cover. Chang discloses biasing members 15 formed on the underside of the cover. At the time of the invention, it would have been obvious to form the Knoernschild biasing member on the underside of the cover as taught by Chang. Such a modification would have been a matter of obvious engineering choice, being merely a reversal of parts. *In re Gazda*, 104 USPQ 400 (CCPA 1963).

Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoernschild et al. ("Knoernschild") in view of Chang as in claim 1 in view of Hu et al. ("Hu"). The Knoernschild lateral biasing member is not a metallic tongue. Hu discloses lateral biasing member 50 which is a metallic tongue and has at least one end inserted into the base and a part positioned at one of said two guide sections and extending into the receiving space. At the time of the invention, it would have been obvious to construct the Knoernschild biasing member as a metal spring as taught in Hu. First, the use of a one piece construction instead of two or more piece construction or the use of a two piece construction instead of a one piece construction would have been a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965 (CCPA 1965); *In re In re Duhlberg*, 129 USPQ 348 (CCPA 1961); MPEP section 2144.04. Secondly, the

Art Unit: 2833

selection of a known material (such as metal for the spring) based on its suitability for its intended purpose would have been obvious. Sinclair & Carroll Col. V. Interchemical Corp., 65 USPQ 297 (1945); In re Leshin, 227 F.2d 197 (CCPA 1960). Thus the suggestion or motivation for replacing the Knoernschild spring with the Hu would have been for example to take advantage of the well known spring characteristics of certain metals, such motivation being well known in the art.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter. Regarding claim 3, the prior art does not suggest the connector as claimed, including the combination of all the claimed elements, the combination including opening and chamber as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2833

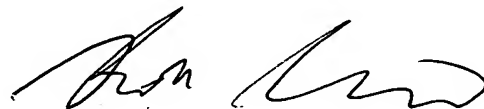
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Ross Gushi", written in a cursive style.

**ROSS GUSHI
PRIMARY EXAMINER**